

FCC Bans Electronic Snooping In Move to Protect 'Little Man'

By George Lardner

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The Federal Communications Commission announced a pioneering set of rules yesterday to crimp the style of electronic snoops.

They were drafted to cover anything from a transistorized martini olive to a bugged pack of cigarettes.

"The rules were designed to protect the little man from the 'big ear,'" said Commission Chairman E. William Henry. "To all intents and purposes, all electronic devices used for snooping would come under this ban."



Associated Press

FOR SNOOPING — Cocktail glass and, at left, an induction coil, used for eavesdropping.

Police and other law enforcement agencies, however, are not covered so long as they are acting "under lawful authority."

"Initially," the Commission said in a unanimous ruling, "it may be assumed that law enforcement officials conduct their activities within the framework of existing law and authority."

But the FCC promised another look at the exemption "if inadequacy of this standard should be revealed . . ."

Wiretapping is already restricted under provisions of

See FCC, A6, Col. 1

the Federal Communications Act. But these are limited to the interception of conversations and messages being carried over already existing communications systems such as the telephone.

Aimed at Radio Devices

The new rules are aimed at use of radio devices that can pick up and record ordinary conversation. They will go into effect April 8.

The regulations, the FCC said, "reflect growing public indignation with increased intrusions into the traditional right of privacy through the use of wireless microphones, some so small as to be concealed in a pack of cigarettes or the now famous martini olive."

But until now, Henry explained, the FCC had nothing on its books to cover the increasing sophistication of electronic eavesdroppers.

No Limits

In general, the FCC does not require licenses for miniature devices that transmit less than 300 feet. Chairman Henry added, however, that this doesn't exempt the less powerful gadgets from FCC jurisdiction.

Eavesdroppers who break

the rules will face loss of either their FCC license to operate or their privilege to operate electronic gadgets without a license. They also face a \$500 fine for every day they continue to violate the rules. Criminal prosecutions will be up to the Justice Department.

The regulations flatly ban private use of the gadgets to overhear or record private conversations "unless such use is authorized by all of the parties engaging in the conversation."

Tougher Than for Wiretaps

The restriction, Henry pointed out, is tougher than that in effect for wiretapping. Under a Supreme Court ruling, he explained, only one party to a conversation carried by wire needs consent to its interception.

To allay fears voiced by the Columbia Broadcasting System, the Commission emphasized that the regulations apply only to "private conversations."

"Conversations in public and semi-public places or in any other place where persons may reasonably expect their conversations to be overheard would not be protected by the rules," the FCC said in its order.

But that doesn't mean every martini outside the home is in the public domain, Henry declared.

"If you are having dinner in a restaurant," he said, "you can reasonably expect that the guy three tables away isn't supposed to be listening in."